

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LOUDON,)	
Petitioner)	
)	
v.)	C.A. No. 04-40122-RCL
)	
DAVID L. WINN,)	
Respondent)	

ORDER ON RESPONDENT’S MOTION TO DISMISS

Before the court is a petitioner of Charles Loudon (the “petitioner”) for habeas corpus relief pursuant to 28 U.S.C. §2241. The petitioner is an inmate at Federal Medical Center, Devens, and he claims that the Federal Bureau of Prisons (the “BOP”) has incorrectly calculated his good time credits by calculating those credits on the basis of “time served” rather than on the basis of the sentence originally imposed. Under the BOP’s calculation, the petitioner is entitled to 246 days of good time credits; under the petitioner’s calculation, he is entitled to 283.5 days of good time credit.

The respondent has moved to dismiss the petition. At the time the briefing of the present motion was concluded, the Court of Appeals for the First Circuit had not ruled on the issue presented by the petition. On January 7, 2005, however, that court did issue such a ruling. In *Perez-Olivo v. Chavez*, No. 04-1486, 2005 WL 31913 (1st Cir. Jan. 7, 2005) the court held that the BOP’s method of calculating good time credits, based on time served, is reasonable under the

governing statute, 18 U.S.C. 3624(b). *Perez-Olivo* thus resolves, in favor of the respondent, the matter now before me. Accordingly, the respondent's motion is granted. The clerk shall enter judgment dismissing the petition.

SO ORDERED.

/s/ REGINALD C. LINDSAY

United States District Judge

DATED: January 18, 2005